

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dario Norberto R. Carrara et al. Confirmation No. 5916
Application No.: 10/798,111 Group Art Unit: 1616
Filing Date: March 10, 2004 Examiner: Nathan W. Schlientz
For: METHODS AND FORMULATIONS FOR Attorney Docket No.: 88066-7900
TRANSDERMAL OR TRANSMUCOSAL
APPLICATION OF ACTIVE AGENTS

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313 - 1450

Sir:

Petitioner, Allan A. Fanucci, represents that he is the attorney of record for the present application.

Petitioner states that he has reviewed the assignment documents that were each recorded on:

1. October 26, 2009 at Reel 023419, Frame: 0419 for U.S. Patent No. 7,470,433;
2. June 27, 2006 at Reel 017845, Frame: 0545 for U.S. Patent No. 8,067,399;
3. April 7, 2011 at Reel: 026090, Frame: 0931 for U.S. patent application 13/044,447; and
4. June 13, 2011 at Reel: 026430, Frame: 0524 for U.S. patent application 13/106,715

and confirms that Antares Pharma, IPL, AG is the owner of 100% of each of the above-identified application, U.S. patents 7,470,433 and 8,067,399, and U.S. patent applications 13/044,447 and 13/106,715.

Petitioner hereby disclaims the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of U.S. Patents 7,470,433 and 8,067,399 and would extend beyond the term of any patent issuing from either of U.S. patent

applications 13/044,447 and 13/106,715, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that any patent granted on the present application, U.S. Patents 7,470,433 and 8,067,399, and any patent that issues from either of U.S. patent applications 13/044,447 and 13/106,715 are commonly owned.

Petitioner further agrees that this agreement is to run with any patent granted on the above-identified application and is to be binding upon the grantees, their successors, and their assigns.

Petitioner does not disclaim any terminal part of any patent that issues on the above-identified application prior to the expiration date of U.S. Patents 7,470,433 and 8,067,399 and any patent issuing from either of U.S. patent applications 13/044,447 and 13/106,715 in the event that either patent: is held unenforceable, is found invalid, is statutorily disclaimed in whole or in part or is terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full 20 year statutory term, except for lack of common ownership as stated above.

Petitioner hereby declares that all statements made herein of his own knowledge and belief are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patent issuing thereon.

Signed this 2nd day of April, 2012.



Allan A. Fanucci, Reg. No. 30,256

WINSTON & STRAWN LLP
CUSTOMER NO. 28765
(212) 294-3311